

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 143

Senate State and Local Government Committee Substitute Adopted 8/25/21

Short Title: Swain County Sheriff Vacancies.

(Local)

Sponsors:

Referred to:

February 25, 2021

A BILL TO BE ENTITLED

AN ACT RELATING TO VACANCIES IN THE OFFICE OF SHERIFF OF SWAIN COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 162-5.1, as amended by S.L. 2021-107, reads as rewritten:

"§ 162-5.1. **Vacancy filled in certain counties; duties performed by coroner or chief deputy.**

(a) If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the board of county commissioners shall appoint a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected.

(b) If the sheriff were elected as a nominee of a political party, the board of county commissioners shall consult the county executive committee of that political party before filling the vacancy, and shall appoint the person recommended by the county executive committee of that party, if the party makes a recommendation within 30 days of the occurrence of the vacancy.

(c) If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled. In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the board of county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority.

(d) The board of county commissioners shall not make any appointment under this section without first being presented with a valid disclosure statement of no felony convictions or expungements, issued within 90 days prior to the appointment, prepared by the North Carolina Sheriffs' Education and Training Standards Commission pursuant to Article 3 of Chapter 17E of the General Statutes with respect to the individual being appointed.

(e) This section shall apply only in the following counties: Alamance, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Cabarrus, Caldwell, Carteret, Cherokee, Clay, Davidson, Davie, Edgecombe, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Hyde, Jackson, Lee, Lincoln, Madison, McDowell, Mecklenburg, Moore, New Hanover, Onslow, Pender, Polk, Randolph, Richmond, Rockingham, Rutherford, Sampson, Stokes, Surry, Swain, Transylvania, Wake, Washington, Wayne, and Yancey."

SECTION 2. This act is effective when it becomes law and applies to vacancies occurring on or after that date.

